

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. T-01/08-15
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Office of Vermont Health Access denying him VHAP coverage for acupuncture to treat pain in his knee. The issue whether acupuncture is a covered service under VHAP.

DISCUSSION

The petitioner is a VHAP recipient who has chronic pain in his knee following a car accident in 2000. His doctor has verified that acupuncture treatments help alleviate his pain, and has recommended that such treatments be continued.

Unfortunately the Medicaid and VHAP regulations specifically exclude coverage of acupuncture for the treatment of any condition. W.A.M. § M618, Procedures Manual § P-4005C(9). Unlike Medicaid, which has a specific procedure for granting exceptions to non-coverage in

exceptional circumstances (see § M108), the VHAP program contains no such provisions¹.

Inasmuch as the Department's decision in this matter is fully in accord with the regulations the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

ORDER

The decision of the Department is affirmed.

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¹ The petitioner is advised to contact the representative and senators to the Vermont Legislature from his district to seek a possible legislative remedy for the lack of such a provision in the regulations.